

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

REMARKS

The Examiner is thanked for the thorough examination of the present application. Independent Claims 1 and 46 have been amended to further define the invention over the cited prior art references. Dependent Claims 2 and 47 have been canceled, and Claims 3, 4, 48, and 49 have been amended for consistency. Independent Claims 18, 30, and 57 have been amended, but not narrowed and not narrowed for reasons relating to patentability.

The claim amendments to Claims 1 and 46 and the patentability of all of the claims are discussed in greater detail below. Favorable reconsideration is respectfully requested.

I. The Claimed Invention

Amended independent Claim 1, for example, is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, at least one vehicle device connected thereto, and the at least one vehicle device comprising a vehicle indicator. The vehicle control system includes at least one uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the at least one uniquely coded transmitter, and a controller at the vehicle spaced apart from the at least one vehicle device and cooperating with the receiver and the vehicle data communications bus. Claim 1 further recites that the controller is for communicating with the at least one vehicle device via the data communications bus, being switchable to a

In re Patent Application of:

FLICK

Serial No. 10/043,077

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learning mode and when in the learning mode, learning the at least one uniquely coded transmitter to permit control of a vehicle function by the user, and causing an indication of whether at least one new uniquely coded transmitter has been learned by causing an indication that the learning mode has been entered. Moreover, Claim 1 has also been amended to recite that the controller is also for communicating with the vehicle indicator via the vehicle data communications bus to cause the indication of whether at least one new uniquely coded transmitter has been learned. Amended independent Claim 46 is similar to Claim 1 and is directed to a related method.

Independent Claim 18 is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, and a vehicle indicator connected thereto. The vehicle control system includes at least one uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the at least one uniquely coded transmitter, and a controller at the vehicle spaced apart from the vehicle indicator and cooperating with the receiver and the vehicle data communications bus. The controller is for learning the at least one uniquely coded transmitter to permit control of a vehicle function by the user, communicating with the vehicle indicator via the data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned, and causing an indication of a number of learned uniquely coded transmitters.

Independent Claim 30 is directed to a vehicle control system for a vehicle including a vehicle data communications bus

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: **JANUARY 9, 2002**

extending throughout the vehicle, and at least one vehicle device connected thereto. The vehicle control system includes a biometric characteristic sensor for sensing a unique biometric characteristic of a user, and a controller at the vehicle spaced apart from the at least one vehicle device and cooperating with the biometric characteristic sensor and the vehicle data communications bus. The controller is for communicating with the at least one vehicle device via the data communications bus, learning the unique biometric characteristic to permit control of a vehicle function by the user, and causing an indication of whether at least one new unique biometric characteristic has been learned. Independent Claim 57 is similar to Claim 30 and is directed to a related method.

II. Claims 1-9, 11-17, 46-52, and 54-56 are Patentable

The Examiner rejected prior dependent Claims 2 and 46, which correspond to amended independent Claims 1 and 46, respectively, as unpatentable over the Issa patent in view of the Flick '460 patent. The Issa patent discloses a vehicle keyless entry system that is switchable to a training mode to program the controller to accommodate a remote transmitter. The Examiner correctly notes that the Issa patent fails to disclose: a data communications bus extending throughout the vehicle, that the controller 23 and the vehicle devices are all connected to the data bus, and that the controller 23 communicates with vehicle devices via the data bus.

The Flick '460 patent discloses a vehicle security system including a remote transmitter in communication with a plurality of vehicle devices, and the vehicle devices

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

communicate with a controller over a vehicle data communications bus.

Amended Claim 1, for example, includes a controller communicating with the vehicle indicator via the vehicle data communications bus to cause the indication of whether at least one new uniquely coded transmitter has been learned. In other words, not only does Claim 1 recite a controller of a vehicle security system connected to a vehicle data bus, but that the controller communicates with the vehicle indicator via the vehicle data communications bus to cause the indication of whether at least one new uniquely coded transmitter has been learned.

The Issa patent never considers a vehicle data bus. The Flick '460 patent discloses only a data bus and fails to disclose a controller connected via a data communications bus to a vehicle device that causes an indication of whether a uniquely coded transmitter has been learned. It is therefore respectfully submitted that the Examiner is using impermissible hindsight, gleaned from the Applicant's own specification, as a motivation to selectively combine disjoint pieces of the prior art in an attempt to produce the claimed invention. There is simply no proper motivation in the prior art to selectively combine bits and pieces from the two cited prior art references. The amended independent Claim 46 includes similar recitations to those recited by Claim 1.

Accordingly, amended independent Claims 1 and 46 are patentable. Their dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

III. Claims 18-29 are Patentable

The Examiner rejected independent Claim 18 as unpatentable over the Issa patent in view of the Flick '460 patent and further in view of the Flick '571 patent. The Issa patent and Flick '460 patent are discussed above.

The Flick '571 patent discloses a building security system including a remote transmitter in communication with a building security controller. The controller also communicates with system indicators to indicate a change in the number of remote transmitters currently capable of controlling the controller.

In comparison, independent Claim 18 includes a controller communicating with the vehicle indicator via the data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned. Again, the Examiner has failed to provide a proper motivation as to why one skilled in the art would do such in view of the three cited references. With regard to both the Issa patent and the Flick '460 patent, and in view of the preceding argument, the Examiner has failed to provide a proper motivation for the proposed combination. The addition of the Flick '571 patent to the combination does not correct this critical deficiency.

Accordingly, independent Claims 18 is patentable. The dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

In re Patent Application of:

FLICK

Serial No. 10/043,077

Filing Date: JANUARY 9, 2002

IV. Claims 30-45 and 57-67 are Patentable

The Examiner rejected independent Claims 30 and 57 as unpatentable over the Anzai et al. patent in view of Flick '460 patent. The Anzai et al. patent discloses a biometric authorization system for a vehicle that includes an enrollment mode. The Examiner incorrectly asserts that the control unit indicates that a new fingerprint has been learned by asking for confirmation of the enrollee via a display unit 41. The disclosure and deficiencies of the Flick '460 patent is discussed above.

In contrast, independent Claim 30, for example, is directed to a vehicle control system that includes a controller for causing an indication of whether at least one new unique biometric characteristic has been learned. The Anzai et al. patent fails to disclose such. The Anzai et al. patent merely records the fingerprint, step S91, and then asks for a confirmation at step S93. (See FIG. 9 and column 7, lines 62-63). At this point in the enrollment mode, the fingerprint recorded is not learned. In other words, the authorization system of the Anzai et al. patent cannot use the fingerprint yet because the enrollment has not been accepted or learned yet. The learning of the fingerprint by the authorization system does not occur until after steps S95 and S97 occur after which no indication of whether at least one new unique biometric characteristic has been learned is caused by the controller. (See FIG. 9 and column 7, lines 63-67). Independent Claim 57 includes similar recitations to those recited by Claim 30.

Accordingly, independent Claims 30 and 57 are patentable. Their dependent claims, which recite yet further

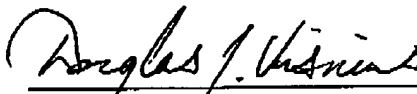
In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

distinguishing features, are also patentable over the prior art and require no further discussion herein.

V. CONCLUSIONS

In view of the amendments and arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned agent at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 1-703-872-9306 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 13th day of April, 2005.

